

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 20, 2004

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

9:30 AM Public Hearing To Discuss The Delaware County All-Hazards Mitigation Plan

PUBLIC COMMENT

-Mr. Ward Mentioned that his son will be coming home, on leave from Italy with the Air Force, for the Holidays.

RESOLUTION NO. 04-1551

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 16, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held December 16, 2004 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1552

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1217 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1217:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR1217, memo transfers in batch numbers MTAPR1217 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
HP Thompson	Parts/Backup Sensor / 7 Pumpstations	65211919-5270	\$ 5,900.00

Vouchers

Barefoot and Case	Repair of Mixers/Wet Stream Treatments	65211905-532832810	\$ 8,650.00
The Coop, LLC	Equipment for Coop Restaurant	23111709-5365	\$ 58,949.13
Bovis	Construction Management	40411414-5410	\$ 39,800.00
Professional Services Industries	Testing Inspection Jail	40411414-5410	\$ 6,481.00
Jess Howard Electric	Electric Jail Renovation	40411414-5410	\$ 20,785.40
Kenny Huston	Masonry Jail Expansion	40411414-5410	\$ 52,302.00
Countryside Companies	Demolition of Shawnee Square	66011909-5410	\$ 21,600.00
AEP	Utility	1001105-533833802	\$ 14,972.19

Memo Transfer Voucher

<u>From</u>	<u>To</u>		
CSEA 23711630-5360	Juvenile Court 10020201-4245	Court Contract Billing	\$ 10,739.17
CSEA 23711630-5360	Juvenile Court 10026201-4245	Court Contract Billing	\$ 7,821.70
CSEA 23711630-5360	Juvenile Court 10026201-4245	Court Contract Billing	\$ 7,545.60
DJFS 10011501-5350	Del Co. Bd. MRDD 29519000-4539	Nov Board & Care	\$ 7,500.00
JFS 22511608-5342	Del Co. Bd. MRDD 29519000-4724	State Cluster	\$ 10,438.09

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1553

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 262.6447 ACRES OF LAND IN LIBERTY AND BERLIN TOWNSHIPS TO THE CITY OF DELAWARE:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following resolution:

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Whereas, on November 9, 2004 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by J. Jeffrey McNealy, Esquire, agent for the petitioners, of 262.6447 Acres, more or less, in Liberty and Berlin Townships to the City of Delaware.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware, the Township of Berlin or the Township of Liberty.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 262.6447 Acres, more or less, in Liberty and Berlin Townships to the City of Delaware.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1554

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 3.375 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following resolution:

Whereas, on November 18, 2004 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, agent for the petitioners, of 3.375 Acres, more or less, in Liberty Township to the City of Delaware.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware, or the Township of Liberty.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 3.375 Acres, more or less, in Liberty Township to the City of Delaware.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1555

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 30.7 ACRES OF LAND IN TROY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following resolution:

Whereas, on November 18, 2004 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, agent for the petitioners, of 30.7 Acres, more or less, in Troy Township to the City of Delaware.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware, or the Township of Troy.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 30.7 Acres, more or less, in Troy Township to the City of Delaware.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1556

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 12.823 ACRES OF LAND IN

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LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following resolution:

Whereas, on November 18, 2004 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, agent for the petitioners, of 12.823 Acres, more or less, in Liberty Township to the City of Delaware.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware, or the Township of Liberty.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 12.823 Acres, more or less, in Liberty Township to the City of Delaware.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1557

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

The EMS Department is requesting that Larry Fisher and Dave Hall attend a 2005 Homeland Security Summit in Arlington, Virginia March 14 to 16, 2005; at the cost of \$3,660.00.

The Engineer’s Office is requesting that Scott Pike attend a Context Solutions Seminar in San Antonio, Texas February 2-6, 2005, at the cost of \$2,425.00.

The Environmental Services Department is requesting that Barry Bryant and Chad Antle attend an Effective Management Strategies for Supervisors Course in Columbus, Ohio February 25, 2005, at the cost of \$558.00.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1558

IN THE MATTER OF APPROVING A CONTRACT WITH MADDOX-NBD, INC. ARCHITECTS FOR A COURTS BUILDING STUDY:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve a contract with Maddox-NBD, Inc. Architects for a Courts Building study.

(A Copy of this contact is available in the Commissioners’ Office until no longer of Administrative Value).

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1559

IN THE MATTER OF APPROVING PLATS FOR KILLDEER MEADOWS SECTION 2 PHASES A & B; HILL FAMILY ENTERPRISES AND PLAN FOR AVONLEA:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

Killdeer Meadows Section 2 Phases A & B

Situated In The State Of Ohio, County Of Delaware, Township Of Berkshire, Located In Farm Lot 27, Quarter Section 3, Township 4, Range 17, United States Military Lands, Being 54.090 Acres Out Of The Original 82.902 Acre Tract Conveyed To Mobley Homes Of Ohio Llc As Recorded In Official Record 397, Page 904 Recorder’s Office, Delaware County, Ohio. Cost \$126.00.

Hill Family Enterprises And Plan

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Being Located In Farm Lot 5, Of Section 1, Township 4, Range 18, United States Military Lands, Being All Of That Tract Of Land Described In A Deed To Hill Family Enterprises Of Record In Official Records 639, Page 121, Recorder’ S Office Delaware

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County, Ohio. Cost \$3.00.

Avonlea

Subdivision Site Development Plan, Part Of Farm Lot 1, Section 1, Township 3 North, Range 18 West, And Part Of Farm Lot 12, Section 2, Township 3 North, Range 18 West United States Military Lands Orange Township Delaware County Ohio. No Cost.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1560

IN THE MATTER OF APPROVING A ROAD NAME CHANGE IN SCIOTO RESERVE SECTION 4, PHASE 10:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

Scioto Reserve Section 4, Phase 10

On October 4, 2004, your Board approved the acceptance of the roadways in Scioto Reserve Section 4, Phase 10 into the public system. The roadways accepted included an addition of 0.03 mile to Township Road Number 1210, Scioto Chase Boulevard, and Township Road Number 1401, Letterman Drive. As an expansion of Scioto Reserve is in the engineering stage, it has come to our attention that this expansion will include an alignment of Scioto Chase Boulevard, which will form a large half circle and eventually become Letterman Drive. To keep consistent in the road name, The Engineer proposes that the name of Letterman Drive be changed to Scioto Chase Boulevard. It has been researched, and we find that no addresses have yet been assigned to Letterman Drive, so there will be no direct impact on any individuals. Therefore, The Engineer requests your Board's approval of the name change of Letterman Drive to Scioto Chase Boulevard, which will add an additional 0.03-mile to Scioto Chase Boulevard. He also requests that you advise the Concord Township Trustees of your action in this matter.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1561

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR SHERMAN LAKES SECTION 1, PHASE A AND SHERMAN LAKES SECTION 1, PHASE B:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

Sherman Lakes Section 1, Phase A

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's recent field review, he has determined that minor remedial work will be required during the 2005 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$30,400** for the duration of the one year maintenance period. A Letter of Credit in that amount is currently in place. He also request approval to return the Letter of Credit being held as construction surety to the developer, T&R Properties.

Sherman Lakes Section 1, Phase B

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's recent field review, he has determined that minor remedial work will be required during the 2005 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$9,700** for the duration of the one year maintenance period. A Letter of Credit in that amount is currently in place. He also request approval to return the Letter of Credit being held as construction surety to the developer, T&R Properties.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04 -1562

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following work permits:

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Permit #	Applicant	Location	Type of Work
U04198	Columbus Southern Power	S. Galena Road	Rebuild line
U04199	American Electric Power	3B's & K Road	Bore under road

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1563

IN THE MATTER OF SUBMITTING CERTIFICATION OF TOTAL ROAD MILEAGE IN DELAWARE COUNTY WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE YEAR 2004:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following resolution:

As Certified by the Board of County Commissioners and reported by the Director of Transportation, in accordance with the provisions specified in the Ohio Revised Code, Section 4501.04 (Distribution of Revenues), the total certified mileage for January through December 2003 for Delaware County was 332.40 miles.

The Board hereby certifies a total of 332.8 County miles for calendar year 2004.

If the mileage currently shown by ODOT (line 1) is different than the mileage certified by the Board (line 2) then the Board is responsible for submitting detailed documentation showing that there have been either additions and/or subtractions to the total mileage that is currently shown by ODOT.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1564

IN THE MATTER OF APPROVING A CONTRACT WITH HENRY PAINTING CO. INC. FOR BID PACKAGE TEN (PAINTING AND CAULKING) FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

**Henry Painting Co. Inc.
2295 Scioto Harper Drive
Columbus, Ohio 43204**

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Bid Documents and as necessary to produce the results intended by the Bid Documents, for:

**Bid Package Ten-Painting and Caulking
New Dormitory and Jail Renovations for the Delaware County Jail
844 US 42 North
Delaware, Ohio 43015**

ARTICLE 2

2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, the amount of One Hundred Fifty-nine Thousand Seven Hundred Eighty Dollars (\$159,78.00), based upon the Bid Form, dated October 5, 2004 submitted by the Contractor.

**\$159,100Base Bid
\$ 680Alternate M1**

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Total Bid Amount \$159,780,000

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before

- Commencement of Site Utilities 08/30/2004
- Men’s Rec Yard (Cells) Completion 09/24/2004
- Male Dorm Building Pad Prep Complete 10/13/2004
- Female Dorm Building Pad Prep Complete 10/21/2004
- Intake/Booking Demolition Start 11/17/2004
- Footing Installation Complete Male Dorm 11/22/2004
- Masonry Bearing walls to Roof Bearing – Female Dorm 11/22/2004
- Precast Corridor 47 Deliver/Install 11/23/2004
- Kitchen Renovation Start 11/10/2004
- Roof Top unit delivery – Female Dorm 12/09/2004
- Kitchen Renovation Completion 12/15/2004
- Roofing Complete – Female Dorm 12/16/2004
- Start existing Jail security electronics upgrade 12/31/2004
- Masonry Bearing walls to 2nd Floor Bearing – Male Dorm 01/03/2005
- Female Dormitory Substantial Completion 02/25/2005
- Intake/Booking Substantial Completion 03/15/2005
- Existing Jail Security Electronics Upgrade Substantial Completion 04/01/2005
- Masonry Bearing walls to Roof Bearing – Male Dorm 03/14/2005
- Roof Top Unit Deliver – Male Dorm 04/05/2005
- Medical & Isolation Renovation Start 04/12/2005
- Roofing Complete – Male Dorm 04/25/2005
- Permanent Electric – Male Dorm 05/02/2005
- Male Dorm Under Temporary Temperature Control 05/23/2005
- Medical & Isolation Substantial Completion 08/09/2005
- Substantial Completion for all Bid Packages and Male Dorm 08/12/2005
- Completion of all Associates Prepared Punch List Items 09/08/2005
- Project Turnover, Owner Move-In All Bid Packages 09/29/2005

unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed upon the respective Milestone Completion Dates, unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable portion of the Work completed upon the date of any Milestone Completion Date set forth in Section 3.1, in addition to other remedies at law and as set forth in the Bid Documents, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Bid Documents.

3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Delaware County Board of Commissioners because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Delaware County Board of Commissioners would sustain.

3.5 LIQUIDATED DAMAGES

<u>Contract Amount</u>	<u>Dollars Per Day</u>
\$1. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

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4.1 The Bid Documents shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.

4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.

4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Bid Documents, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Bid Documents shall be valid and enforceable unless the Delaware County Board of Commissioners first certifies funds are available.

5.2 The Contract shall become binding and effective upon execution by the Delaware County Board of Commissioners.

ARTICLE 6

6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract which may be introduced in evidence or used for any other purpose without production of any other counterparts.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1565

RESOLUTION DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO BENEFIT THAT PARCEL, REQUIRING THE OWNER THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDING FOR THE DELAWARE COUNTY TREASURER TO DISTRIBUTE SERVICE PAYMENTS TO THE OLENTANGY LOCAL SCHOOL DISTRICT IN THE AMOUNT IT WOULD OTHERWISE RECEIVE ABSENT THE EXEMPTION, ESTABLISHING A COUNTY REDEVELOPMENT TAX EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

WHEREAS, **Planned Communities, LLC** (the "Owner") owns certain real property (a depiction of which is attached hereto as Exhibit A and referred to herein as the "TIF Area", with the parcels comprising the real property within the TIF Area referred to herein as the "Parcels" and each individually as a "Parcel") in the unincorporated territory of the County; and

WHEREAS, the Owner, or its successors or assigns, will develop various commercial projects in the TIF Area (the "Project") and this Board expects to make the Public Improvements described on Exhibit B hereto, that once made will directly benefit the TIF Area; and

WHEREAS, Ohio Revised Code Sections 5709.77 through 5709.81 provide that this Board may declare improvements to one or more parcels of real property located in the unincorporated territory of the County to be a public purpose, thereby exempting those improvements from real property taxation for a period of time, specify Public Improvements to be made to benefit those parcels, provide for the making of service payments in lieu of taxes by the owner thereof, provide for the distribution of the applicable portion of those service payments to the overlapping Olentangy Local School District and establish a county redevelopment tax equivalent fund into which such service payments shall be deposited; and

WHEREAS, the County has determined that it is necessary and appropriate and in the best interests of the County to provide for service payments in lieu of taxes with respect to the TIF Area pursuant to Section 5709.79 of the Ohio Revised Code; and

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WHEREAS, the County has determined that a portion of the service payments shall be paid to the Olentangy Local School District in an amount equal to the real property taxes that the Olentangy Local School District would have been paid if improvements to the Parcels located in the Olentangy Local School District had not been exempted from taxation pursuant to this Resolution; and

WHEREAS, this Board has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements to provide for the development of the TIF Area; and

WHEREAS, this Board finds and determines that notice of this proposed Resolution has been delivered to all affected school districts in accordance with Sections 5709.78 and 5709.83 of the Ohio Revised Code and hereby ratifies the giving of that notice;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. Tax Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.78, this Board hereby finds and determines that 100% of the increase in true value of each Parcel subsequent to the effective date of this Resolution (which increase in true value is hereinafter referred to as the "Improvement" as defined in Ohio Revised Code Section 5709.77) is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Resolution and in which an Improvement first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such exemption commenced or (b) the date on which the County can no longer require service payments in lieu of taxes, all in accordance with the requirements of Sections 5709.78 and 5709.79 of the Ohio Revised Code.

Section 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.79, the owner of each Parcel is hereby required to, and shall make, service payments in lieu of taxes with respect to the Improvements allocable thereto to the Treasurer of Delaware County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against that Parcel if it were not exempt from taxation pursuant to Section 1. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the service payments in lieu of taxes as the "Service Payments"). The Service Payments, and any other payments in respect of each Parcel which are received by the County Treasurer in connection with the reduction required by Ohio Revised Section 319.302, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 3 of this Resolution.

Section 3. Distribution of Payments to School District and County. The County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows:

- to the Olentangy Local School District, an amount equal to the amounts the Olentangy Local School District would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement related to the Parcels absent the passage of this Resolution, and
- to the County, all remaining amounts for further deposit into the Fund (as defined below).

All distributions required under this Section 3 shall be made at the same time and in the same manner as real property tax distributions.

Section 4. Creation of TIF Fund. This Board hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, the Olentangy Crossings Redevelopment Tax Equivalent Fund (the "Fund"). The Fund shall be maintained in the custody of the County and shall receive all distributions required to be made to the County (after providing for certain payments to the Olentangy Local School District) pursuant to Section 3. Those Service Payments and Property Tax Rollback Payments received by the County with respect to the Improvements on the Parcels, so deposited and distributed pursuant to law as provided in Ohio Revised Code Section 5709.79, shall be used solely for the purposes of paying for or financing the costs of the Public Improvements identified in this Resolution, including but not limited to, the payment of debt service on any securities issued by the County for that purpose. For purposes of this Resolution, "costs" of the Public Improvements payable from the Fund shall also include the items of "costs of permanent improvements" set forth in Section 133.15(B), Revised Code, and incurred with respect to the Public Improvements. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time said Fund shall be dissolved and any surplus funds remaining therein transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80.

Section 5. Public Improvements. The Public Improvements set forth in Exhibit B hereto and to be made by

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the County are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the TIF Area (the "Public Improvements").

Section 6. TIF Agreement. The Tax Increment Financing Agreement relating to the TIF Area, in the form presently on file with the Clerk of the Board, providing for, among other things, the payment of such Service Payments, is hereby approved and authorized with changes therein not inconsistent with this Resolution and not substantially adverse to this County and which shall be approved by the County Administrator. The County Administrator, for and in the name of this County, is hereby authorized to execute a Tax Increment Financing Agreement with the Owner of each Parcel, provided further that the approval of changes thereto by that official, and their character as not being substantially adverse to the County, shall be evidenced conclusively by the execution thereof. This Board further hereby authorizes and directs the Commissioners, the County Administrator, the County Auditor, or other appropriate officers of the County, to make such arrangements as are necessary and proper for collection of said Service Payments from the owners of the Parcels.

Section 7. Further Authorizations. This Board further hereby authorizes and directs the Commissioners, the County Administrator, the County Auditor or other appropriate officers of the County to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution.

Section 8. Notification of Passage. Pursuant to Ohio Revised Code Section 5709.78, the Clerk of the Board is hereby directed to deliver a copy of this Resolution to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk or other authorized officer of this County shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.78(F) of the Ohio Revised Code.

Section 9. Tax Incentive Review Council. The County hereby creates the Delaware County / Orange Township Tax Incentive Review Council for the TIF Area with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code. That Council shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 10. Open Meetings. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 11. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

EXHIBIT A
DEPICTION OF TIF AREA

EXHIBIT B
DESCRIPTION OF PUBLIC IMPROVEMENTS

The Public Improvements include the following:

- the improvement and extension of a new public roadway commencing at a point on U.S. Route 23 located approximately 1,725 feet north of the centerline intersection of U.S. Route 23 and Lewis Center Road and proceeding easterly to a point approximately 1,735 L.F. to the westerly boundary of the Olentangy High School site, by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings and street signs together with all necessary and related appurtenances, and
- any additional excavating, grading, paving, constructing and installing curbs and gutters, public utilities which include relocation or construction of sanitary sewers, and storm sewers, street lighting, sidewalks, bikeways, landscaping, traffic signalization, and also including design and other related costs, any interests in real property, erosion and sediment control measures, grading and other related work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto, all of which will directly benefit, or that once made will directly benefit, the Property.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1566

9:30AM PUBLIC HEARING TO DISCUSS THE DELAWARE COUNTY ALL-HAZARDS MITIGATION PLAN:

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It was moved by Mr. Jordan, seconded by Mr. Ward to open the hearing at 9:30AM.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1567

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO DISCUSS THE DELAWARE COUNTY ALL-HAZARDS MITIGATION PLAN:

It was moved by Mr. Ward, seconded by Mr. Jordan to close the hearing at 9:38AM.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1568

IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE DELAWARE COUNTY ALL NATURAL HAZARD MITIGATION PLAN:

It was moved by Mr. Ward, seconded by Mr. Jordan to adopt the following Resolution:

WHEREAS, the Delaware County Office of Homeland Security and Emergency Management has completed an All Natural Hazard Mitigation Plan; and,

WHEREAS, a required 30-day public comment period was provided with comments received incorporated into the plan; and,

WHEREAS, all applicable participating agencies and political sub-divisions have reviewed and concurred with the Plan;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County approve the All Natural Hazard Mitigation Plan resolve to forward the Plan to the Ohio Emergency Management Agency for review and comment.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1569

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR GOLF VILLAGE SECTION 2 PHASE B:

It was moved by Mr. Jordan, seconded by Mr. Ward to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Golf Village Section 2 Phase B 2,138 feet of 8 inch sewer 15 manholes

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1570

IN THE MATTER OF APPROVING APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT RENEWALS FOR THE DELAWARE COUNTY HOME WASTEWATER TREATMENT PLANT, THE SCIOTO HILLS WASTEWATER TREATMENT PLANT AND THE GALENA WASTEWATER TREATMENT PLANT:

It was moved by Mr. Jordan, seconded by Mr. Ward to adopt the following:

WHEREAS, The Federal Water Pollution Control Act created the National Pollutant Discharge Elimination System, and

WHEREAS, The National Pollutant Discharge Elimination System authorizes certain discharges to certain surface waters, and

WHEREAS, The Ohio Environmental Protection Agency transacts permission on behalf of the Federal Government pursuant to Ohio Revised Code Chapters 3745 and 6111 and requires permits on five year intervals,

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, approves of NPDES permit renewal applications for the Delaware County Home

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Wastewater Treatment Plant, the Scioto Hills Wastewater Treatment Plant and the Ga lena Wastewater Treatment Plant.

NOW THEREFORE BE IT FURTHER RESOLVED, that copies of the aforementioned applications will be filed with the Operations Department and available for public viewing.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1571

IN THE MATTER OF APPROVING A CONTRACT WITH MADDOX-NBD, INC. ARCHITECTS FOR THE DESIGN OF A MEDIC AND ADMINISTRATIVE FACILITY:

It was moved by Mr. Ward, seconded by Mr. Jordan to adopt the following Resolution:

WHEREAS, the Delaware County Board of Commissioners desire to design a new Emergency Medical Service (EMS) Medic Station with Administrative offices; and,

WHEREAS, Maddox-NBD, Inc., Architects was the firm of choice for the design of this facility,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve a contract with Maddox-NBD, Inc. for the design and subsequent architectural services for the construction of a new facility at a not-to-exceed cost of \$20,000.00 for Phase I (Conceptual design and estimated budget) and a not-to-exceed cost of 7% of the Construction Cost of the Project for Phase II (schematic design, design development, construction documents, bidding, and construction).

(A Copy of this contact is available in the Commissioners' Office until no longer of Administrative Value).

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 04-1572

IN THE MATTER OF EXECUTING AN EMPLOYEE BENEFITS AGREEMENT TO ALLOW THE DELAWARE/MORROW MENTAL HEALTH AND RECOVERY BOARD TO PARTICIPATE IN THE DELAWARE COUNTY EMPLOYEE BENEFITS PROGRAMS:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

Employee Benefits Agreement

The Board of Commissioners of Delaware County, Ohio ("County") and Delaware/Morrow Mental Health and Recovery Board ("Department" or Agency), in consideration of the mutual covenants, agreements, and stipulations set forth herein, and the agreement between the County and its joint self-insurance pool, and pursuant to the laws of the State of Ohio and the United States, hereby agree as follows:

1. The County will accept the Department into the Delaware County Employee Benefits Program ("the Plan"), accepting the employees of the Department for enrollment as eligible employees as defined in the Plan. The Plan is described in the 2003 Participation Agreement between the County and the County Employee Benefit Consortium of Ohio, Inc. ("CEBCO") dated as of May 1, 2003 (the "CEBCO Agreement"), which agreement the Department hereby acknowledges having received and reviewed.
2. During the initial enrollment of the Department or Agency, employees of the Department or Agency will be eligible for coverage under the Plan on the first day of January 2005. Employees of the Department/Agency hired after the initial enrollment will become eligible for coverage under the Plan per the Plan rules for enrollment of new hires.
3. In consideration of the acceptance of Department's or Agency's employees for eligibility under the Plan, the Department or Agency will:
 - a. Require all eligible employees of the Department or Agency to attend a benefit orientation session and complete all necessary enrollment applications and forms prior to benefits beginning.
 - b. Give sixty (60) days notice to the County if the Department or Agency wishes to terminate this agreement or cease coverage under the Plan.
 - c. Follow all rules under the Plan including IRS Code Section 125 regulations.
 - d. Hold the County and the Plan free and harmless from any and all claims for damages of any nature arising out of or related to the acts or omissions of the Department or Agency, its employees or agents,

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under this agreement, including, but not limited to, the County's withdraw or expulsion from CEBCO or CEBCO's dissolution.

e. Perform any duties and obligations set forth in Sections 4.3, 4.4, 4.5, 4.7, 4.8 of the CEBCO Agreement for the benefit of the County and, as applicable, CEBCO.

f. Remain in the Plan pursuant to Section 4 of this Agreement.

g. Promptly pay its funding rate, as set forth in Sections 6 and 7 of this Agreement.

4. The Department or Agency will remain in the Plan for a period no less than three (3) complete calendar years beginning the first January that this agreement is in effect and ending on the 31st day of the third December thereafter. If the Department or Agency terminates participation in the Plan prior to the end of three (3) complete calendar years, the Department or Agency will pay to the County three (3) months of the funding rate and the Department or Agency will retain any claims incurred prior to the termination date, but received by the Plan administrator after the termination date. The basis of this three (3) month funding rate will be the highest monthly funding rate within the twelve-month period immediately prior to the termination date.

5. The County may reject, cancel and nullify this agreement prior to the eligibility date defined in Section 2 herein if the funding rates of the Plan will increase as a result of the Department or Agency gaining eligibility under this agreement. This agreement will terminate upon the termination of the CEBCO Agreement, the County's withdrawal or expulsion from CEBCO, or upon CEBCO's dissolution.

6. Monthly, the County will charge back to the Department or Agency the funding rate cost of the Department's or Agency's enrolled employees as determined by the County. This will be done either by automated transfer through the Delaware County Auditor's Office or by invoice. If by invoice, the Department or Agency will pay within ten (10) calendar days of the invoice date.

7. The Department or Agency will pay the total of the funding rate cost for the month to Delaware County. It is the sole responsibility of the Department or Agency to administer or set up for administration any employee payroll deductions that are not consistent with payroll deductions that are currently administered within the Plan.

8. The parties agree that the Plan will function as program coverage in that any funding paid by the Department or Agency will become a part of the Plan and no reimbursements are made to the Department or Agency based on claims experience being higher or lower than funding contributions.

9. Funding rates will change each calendar year pursuant to renewal of the CEBCO Agreement, but are subject to change at any time.

10. The County and the Plan will not accept any carryover amounts towards coinsurance maximums, deductibles, co-pays, pre-paid premiums, or employee deductions from any previous benefit, coverage, or insurance plan of the Department or Agency.

11. This Agreement shall not be amended or modified other than in a written agreement signed by the parties, or as otherwise provided under this Agreement.

12. This Agreement is entered into, is executed and is totally performable in the State of Ohio and all questions pertaining to its validity or construction shall be determined in accordance with the laws of the State of Ohio.

13. No act of forbearance on the part of either party to enforce any of the provisions of this Agreement shall be construed as a modification of this Agreement, nor shall the failure of any party to exercise any right or privilege herein granted be considered as a waiver of such right or privilege.

14. If any part of this Agreement is declared invalid, void or unenforceable, the remaining parts and provisions shall continue in full force and effect. It is further agreed that venue for any dispute arising under the terms of this Agreement shall be in Delaware County, Ohio.

15. The Department or Agency and the County have the exclusive right to bring suit to enforce this Agreement, and no other party may bring suit, as a third-party beneficiary or otherwise, to enforce this Agreement.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1573

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR

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COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 9:50AM.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-1574

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn out of Executive Session at 10:45AM.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners